

*Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation, also titled The Flinn Report in memory of founding JCAR member Rep. Monroe Flinn, is designed to inform and involve the public in changes taking place in agency administration.*

## Adopted Rules

### ■ VEHICLE TRADE-INS

The DEPARTMENT OF REVENUE adopted amendments to Retailers' Occupation Tax (86 IAC 130; 44 Ill Reg 485) and Use Tax (86 IAC 150; 44 Ill Reg 487), both effective 8/11/20, replacing emergency rules that were effective 12/27/19 and expired on 5/24/20. Both of these rulemakings implement Public Act 101-31 by limiting the amount of trade-in credit on first division motor vehicles (those carrying 10 or fewer passengers) that can be deducted from the taxable selling price of the sold vehicle to \$10,000, effective 1/1/20. Amendments to Part 130 (which concerns the retailer's tax liability; Part 150 addresses use tax charged to the buyer) additionally clarify that sport utility vehicles (SUVs), all-terrain vehicles (ATVs), off-highway motorcycles, and any motor vehicle that was designed as a passenger vehicle

### COVID-19 ACTIONS

Numerous Executive Orders and emergency rules have been issued in response to the COVID-19 pandemic. Executive Orders of the Governor concerning this pandemic can be accessed at <https://www2.illinois.gov/government/executive-orders>. Emergency rules adopted by State agencies will be summarized in The Flinn Report as they are published in the *Illinois Register*.

### Emergency Rules, Page 3

for 10 or fewer passengers, regardless of its current use (e.g., a minivan with the seats removed) are classified as first division motor vehicles. Second division motor vehicles, which are not subject to the trade-in credit

(cont. page 2)

## Proposed Rulemakings

### ■ AMUSEMENT RIDES

The DEPARTMENT OF LABOR proposed amendments to the Part titled Carnival and Amusement Ride Safety Act (56 IAC 6000; 44 Ill Reg 13871) updating the Part to reflect changes in statute. The name of the Part is being changed to "Amusement Ride and Attraction Safety Act" to match the name of the authorizing statute [430 ILCS 85] and a new Section with inspection and safety rules for aerial adventure courses (e.g., zip lines) has been added. Other provisions allow amusement ride inspectors to substitute years of related work experience for years of college education (currently, completion of a 4-year college degree plus experience in engineering, physics or physical sciences is required); provide for electronic payment of permit fees;

(cont. page 3)

**ADOPTED RULES:** Rules adopted by agencies this week. **EMERGENCY RULES:** Adopted for a temporary period not to exceed 150 days.  
**PROPOSED RULES:** Rules proposed by agencies this week, commencing a 45-day First Notice period during which public comments must be accepted.  
**PEREMPTORY RULES:** Rules adopted without prior public notice or JCAR review as authorized by 5 ILCS 100/5-50.  
■ Designates rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.  
**QUESTIONS/COMMENTS:** Submit mail, email or phone calls to the agency personnel listed below each summary.  
**RULE TEXT:** Available on the Secretary of State ([www.cyberdriveillinois.com](http://www.cyberdriveillinois.com)) and General Assembly ([www.ilga.gov](http://www.ilga.gov)) websites under Illinois Register. Second Notice text (original version with changes made by the agency during First Notice included) is available on the JCAR website.

# Adopted Rules

(cont. from page 1)

limitation, include any vehicle designed to carry more than 10 passengers; vehicles designed or used for living quarters, such as RVs or campers; school buses; ambulances, medical carriers, and hearses; and any vehicle designed to pull or carry property, freight, or cargo (e.g., pickup trucks and other open-bed vehicles, panel/cargo vans). The trade-in credit limitation applies only when one first division vehicle is traded in for another first division vehicle. A credit of more than \$10,000 can be applied, but only the first \$10,000 can be deducted from the selling price that determines State sales tax. Examples of when the credit limitation does and does not apply, and how it applies to multiple or split trade-in transactions, are included in Part 130. Vehicle dealers that accept trade-ins, and their customers, are affected by these rulemakings.

*Questions/requests for copies of the 2 DOR rulemakings: Samuel J. Moore, DOR, 101 W. Jefferson, Springfield IL 62794, 217/782-2844.*

## ■ BUSINESS SERVICES

The SECRETARY OF STATE adopted amendments to the Parts titled Business Corporation Act

(14 IAC 150; 44 Ill Reg 5710), General Not For Profit Corporations (14 IAC 160; 44 Ill Reg 5712), Uniform Partnership Act (14 IAC 166; 44 Ill Reg 5714), Uniform Limited Partnership Act (14 IAC 171; 44 Ill Reg 5716), and Limited Liability Company Act (14 IAC 178; 44 Ill Reg 5718), all effective 8/17/20, replacing emergency amendments that were effective 3/20/20 and 4/9/20. These rulemakings extend the filing deadlines for applicable business-related documents (organizational documents, annual reports, other materials) and suspend late filing fees for the duration of the COVID-19 Disaster Proclamations and for 90 days (changed since 1<sup>st</sup> Notice from 30 days) after the last proclamation expires. Additionally, these rulemakings suspend provisions that normally require expedited processing of documents upon request (these documents shall be processed within 24 hours or “as soon as possible thereafter”) and (except for Part 166) suspend provisions that normally require SOS to approve or reject documents within 10 days after filing (documents shall instead be processed “as expeditiously as possible”). Small businesses and non-profit organizations required to file documents with SOS are affected by these rulemakings.

*Questions/requests for copies of the 5 SOS rulemakings: Pamela Wright, SOS, 298 Howlett Bldg., Springfield IL 62756, 217/785-3094, [pwright@ilsos.gov](mailto:pwright@ilsos.gov)*

## ■ BOILER SAFETY

The BOARD OF BOILER AND PRESSURE VESSEL RULES adopted an amendment to the Part titled Boiler and Pressure Vessel Safety (41 IAC 2120; 44 Ill Reg 4749) effective 8/13/20 updating national safety codes promulgated by the American Society of Mechanical Engineers (ASME), the National Board of Boiler and Pressure Vessel Inspectors (NB), the National Fire Protection Association (NFPA) and the American Petroleum Institute (API) to their most recent editions (2018 and 2019). Facilities that have boilers or pressure vessels subject to inspection by the Office of the State Fire Marshal are affected.

*Questions/requests for copies: Ashley Vincent, Office of the State Fire Marshal, 1035 Stevenson Dr., Springfield IL 62703-4259, 217/785-4212, fax 217/524-5487, [Ashley.Vincent@illinois.gov](mailto:Ashley.Vincent@illinois.gov)*

# Proposed Rulemakings

(cont. from page 1)

increase inspection fees for inflatable amusement attractions to \$45 per unit for units of less than 1,500 square feet and \$120 per unit for units of 1,500 square feet or more (currently, flat fee of \$45 for all inflatable attractions); increase penalties for amusement ride operators who fail to conduct criminal background checks on their employees; and update various incorporations of and references to safety standards. Operators of carnival and amusement rides, aerial adventure courses, and other amusements/attractions open to the public are affected by this rulemaking.

*Questions/requests for copies/comments through 10/13/20: Jason Keller, DOL, 900 S. Spring St., Springfield IL 62704, 217/782-1706, [jason.keller@illinois.gov](mailto:jason.keller@illinois.gov)*

## MEDICAL ASSISTANCE

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES proposed amendments to the Part titled Special Eligibility Groups (89 IAC 118; 44 Ill Reg 13858) implementing the Health Benefits for Immigrant Seniors program established by PA 101-636. The program implemented in this rulemaking provides State funded medical assistance benefits to Illinois resident, non-U.S. citizens age 65 or older whose income is at or below 100% of the Federal Poverty Level (either before or after deducting the costs of medical and remedial care), have

## BUS INSPECTIONS

The DEPARTMENT OF TRANSPORTATION adopted emergency amendments to the Parts titled Inspection Procedures for Multifunction School Activity Buses (92 IAC 436; 44 Ill Reg 14045), Inspection Procedures for Special Vehicles (92 IAC 438; 44 Ill Reg 14051), Inspection Procedures for Type I School Buses (92 IAC 441; 44 Ill Reg 14065), Inspection Procedures for Type II School Buses (92 IAC 443; 44 Ill Reg 14071) and Nonscheduled Bus Inspections (92 IAC 456; 44 Ill Reg 14077), all effective 8/13/20 for a maximum of

not lawfully resided in the U.S. for 5 years or more, and who do not qualify for federally funded medical assistance (Medicaid or Medicare). Services normally provided to adult medical assistance enrollees under the Public Aid Code are covered under this program, except for nursing home services, services in developmental disability or mental health facilities, and funeral or burial expenses. Applications may be submitted in person, by mail, or online in the same manner as other applications for medical assistance; the rulemaking outlines information that must be provided upon application and provisions for appealing denial of an application or termination of coverage. Eligibility will be determined at least annually. The program is subject to available

## Emergency Rules

150 days. These emergency rules add optional hand sanitizers, driver protective barriers, and COVID-19 related signage (e.g., social distancing reminders) to the DOT inspection criteria for all buses subject to inspection, including school buses and commercial buses. Those affected by these emergency rules include public and nonpublic schools, community or religious organizations that operate buses, and commercial bus operators.

*Questions/requests for copies: Greg Stucka, DOT, 2300 S. Dirksen Pkwy., Rm. 317, Springfield IL 62764.*

funding and enrollment may be limited or terminated at any time if necessary to maintain the cost of the program within its available funding.

*Questions/requests for copies/comments through 10/13/20: Steffanie Garrett, HFS, 201 S. Grand Ave. East, 3<sup>rd</sup> Fl., Springfield IL 62763-0002, 217/782-1233, [HFS.Rules@illinois.gov](mailto:HFS.Rules@illinois.gov)*

## DHR PROCEDURES

The DEPARTMENT OF HUMAN RIGHTS proposed amendments to the Part titled Procedures of the Department of Human Rights (56 IAC 2520; 44 Ill Reg 13847) that will replace emergency amendments effective 7/10/20 (44

(cont. page 4)

## Proposed Rulemakings

(cont. from page 3)

Ill Reg 12676). The rulemaking allows electronic service of documents both to and from the Department; allows verification (as well as notarization) of the complainant's signature on a charge of discrimination filed with the Department; and clarifies when DHR may conduct an administrative dismissal of charges (e.g., action has been filed in federal court). Persons who file discrimination complaints, or are the subject of discrimination complaints, with DHR are affected.

*Questions/requests for copies/ comments through 10/13/20: Mary M. (Betsey) Madden, DHR, 100 W. Randolph St., Suite 10-100, Chicago IL 60601, 312/814-3386, TTY 866/740-3953.*

### DOC REPEALERS

The DEPARTMENT OF CORRECTIONS proposed repeal of the Parts titled Reimbursement for Expenses (20 IAC 110; 44 Ill Reg 13833) and Closed Maximum Security Facility (20 IAC 505; 44 Ill Reg 13839). Part 110 is being repealed because Public Act 101-

235 repealed provisions under which DOC formerly charged offenders for the cost of incarceration. Part 505 is being repealed because DOC no longer operates a Closed Maximum Security facility at Tamms Correctional Center.

*Questions/requests for copies/ comments on the 2 DOC rulemakings through 10/13/20: Echo Beekman, DOC, 1301 Concordia Court, PO Box 19277, Springfield IL 62794-9277, 217/558-2200, ext. 6507, [echo.beekman@doc.illinois.gov](mailto:echo.beekman@doc.illinois.gov)*

## Second Notices

The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. These rulemakings will be considered at the September 15, 2020 JCAR meeting. Other items not published in the *Illinois Register* or The Flinn Report may also be considered. Further comments concerning these rulemakings should be addressed to JCAR using the contact information on page 1.

### DEPT OF HEALTHCARE AND FAMILY SERVICES

Child Support Services (89 IAC 160; 44 Ill Reg 10350) proposed 6/19/20

### BOARD OF HIGHER EDUCATION

Graduation Incentive Grants (Repealer) (23 IAC 1002; 44 Ill Reg 10840) proposed 6/26/20

### JOINT COMMITTEE ON ADMINISTRATIVE RULES

Review of Proposed Rulemaking (1 IAC 220; 44 Ill Reg 5179) proposed 3/27/20

### DEPT OF JUVENILE JUSTICE

Research and Evaluation (20 IAC 2206; 44 Ill Reg 3304) proposed 2/28/20

Reimbursement for Expenses (Repealer) (20 IAC 2210; 44 Ill Reg 3309) proposed 2/28/20

### SECRETARY OF STATE

Court of Claims Regulations (74 IAC 790; 44 Ill Reg 5722) proposed 4/3/20